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REMARKS

Claims 15 and 17 have been canceled without prejudice or disclaimer. Accordingly the objection to the drawings and to the specification, each of which was based upon elements recited in those claims, is now moot.

Claim 14 has been placed in independent form and is therefore now formally allowable. Additionally, new claims 18 through 21 have been added to recite further structural details of the rack and the associated receptacle.

Claims 1, 3 through 9, 11 through 13, and 15 through 17 were rejected as anticipated by the Fischer et al. '178 patent. In the course of the reasoning underlying that rejection, the structure shown in Figure 13 of the Fischer et al. was referred to, and the element identified by reference numerals 1010 and 1013 was said to be "a toothed rack (or notched bar)." However, the Fischer et al. specification clearly and consistently identifies element 1010 of Figure 13 as a feed screw (see Fischer et al., col. 28, lines 36 and 37; line 57; lines 65 and 66; and col. 29, lines 1 and 2; line 11; line 15; line 23; line 27; line 29; lines 45 and 46), not either as a rack or as a notched bar. Moreover, that element is clearly a screw and not a mere notched bar.

One having only ordinary skill in the art would readily appreciate that a feed screw has an entirely different structure than a toothed rack. Such a person would know that a feed screw has a helical thread that is defined by a continuous helical ridge, whereas a toothed rack has a series of spaced, parallel teeth that are not continuous and are not a helical thread, but instead extend

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over only a part of the outer surface and in a direction across the rack longitudinal axis, having the structure illustrated opposite the arrow extending from reference numeral 10 in Figure 1 of the present application. Thus, by no stretch of the imagination can one consider Fischer et al.'s element 1010 to be a toothed rack. In that regard, attached hereto are photocopies of pages 1111 and 1205 of the *Random House Webster's College Dictionary*, copyright 1995, which show the ordinary definitions of the terms "rack" and "screw," respectively, and which clearly distinguish the two types of structures. In that regard, the general rule is that the meaning given to a claim term is its ordinary meaning, unless it is specifically defined to be otherwise in the specification. Here, the specification does not specifically define the term "toothed rack," and therefore the ordinary dictionary definition applies. And that definition clearly differentiates it from a screw.

In addition to the rack-screw distinction, reference was made in the Office Action to element 1009, which the Fischer et al. reference clearly identifies as a nut (see Fischer et al., col. 28, line 36). And the reference refers to nut 1009 as "an internally threaded sleeve-like axial extension of the gear 1006" (see Fischer et al., col. 29, lines 9 and 10). Thus it is the nut 1009 that engages with the feed screw 1010, and the nut rotates while the screw is non-rotatable (see Fischer et al., col.29, lines 11 through 17). In the present invention as claimed in claim 1, however, it is a gear that is in meshing engagement with the toothed rack, not a nut having a screw thread. Consequently, the Fischer et al. reference does not anticipate the invention as claimed in claim 1 because, firstly, the

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reference discloses scr w - it does not disclose a toothed rack as claimed in claim 1, and, secondly, the reference discloses a threaded nut that surrounds and threadedly engages the screw - it does not disclose a gear that is in meshing engagement with the toothed rack as claimed in claim 1.

Finally with respect to anticipation, the Court of Appeals for the Federal Circuit has held as follows regarding what a reference must show in order for it to be considered as an anticipation of a claimed invention:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See, e.g., *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 715, 223 U.S.P.Q. (BNA) 1264, 1270 (Fed. Cir. 1984); *Connell*, 722 F.2d at 1548, 220 U.S.P.Q. (BNA) at 198; *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 771, 218 U.S.P.Q. (BNA) 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026, 79 L. Ed. 2d 687, 104 S. Ct. 1284, 224 U.S.P.Q. (BNA) 520 (1984).
Verdegaal Brothers Inc. v. Union Oil Co., 814 F.2d 628 (Fed. Cir. 1987)

and,

"For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference." *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 677, 7 USPQ2d 1315, 1317 (Fed. Cir. 1988). These elements must be arranged as in the claim under review, *Lindemann Maschinenfabrik v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).
In re Bond, 910 F.2d 831 (Fed. Cir. 1990).

For the reasons noted above, the Fischer et al. reference does not identically show every element of the invention as it is claimed in claim 1, and therefore that reference does not anticipate the invention as it is claimed.

Claims 3 through 9, 11 through 13, and 16 each depend from claim

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1, either directly or indirectly, and therefore those claims are distinguishable over the Fischer et al. reference for the same reasons as are given above with respect to claim 1. Additionally, those dependent claims recite additional structural features that further distinguish the invention as so claimed in those claims from the teachings of the Fischer et al. reference.

Claim 2 was rejected as obvious over the Fischer et al. reference, and claim 10 was rejected as obvious over the Fischer et al. reference when combined with the disclosure of the Schulz-Andres reference. In that regard, the Fischer et al. reference is disqualified as §103 prior art on the ground that at the time the present invention was made the subject matter of the Fischer et al. reference and the claimed invention were commonly owned (see M.P.E.P. §706.02(I)(1)). The present invention was and is owned by LuK Lamellen und Kupplungsbau Beteiligungs KG, Industriestrasse 3, Bühl, Federal Republic of Germany, as evidenced by an Assignment from the inventors, recorded in the Assignment Records at Reel 012694, Frame 0845 (a copy of the official Notice of Recordation of Assignment, document dated May 16, 2002, is of record herein and was attached to the Amendment After Final Rejection, filed on October 29, 2003). The Fischer et al. patent is owned by LuK GETRIEBESYSTEME GmbH, of Industriestrasse 3, Bühl/Baden, Germany 77815, as evidenced by the attached PATENT ASSIGNMENT ABSTRACT OF TITLE for the Fischer et al. patent.

Also attached is a German-language document entitled "Öffentliche Urkunde über Gesellschaftsvertrag der LuK Getriebe-Systeme GmbH mit dem

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Sitz in Bühl," which translated into English is: Public Document regarding Articles of Association of LuK Getriebe-Systeme GmbH with its seat in Bühl." The document is a declaration by Luk Lamellen und Kupplungsbau Gesellschaft mit beschränkter Haftung (GmbH) of the creation of a wholly-owned subsidiary by the name of LuK Getriebe-Systeme GmbH, which is the owner by assignment of the Fischer et al. patent. The middle paragraph on page 2 of that document when translated into English reads in substance: Luk Lamellen und Kupplungsbau Gesellschaft mit beschränkter Haftung (GmbH) hereby establishes a limited liability company and confirms with this written record as an enclosure the attached articles of association. Thus, Luk Lamellen und Kupplungsbau Gesellschaft mit beschränkter Haftung (GmbH) owns 100% of LuK Getriebe-Systeme GmbH.

In January 2001 Luk Lamellen und Kupplungsbau Gesellschaft mit beschränkter Haftung (GmbH) changed its name to Luk Lamellen und Kupplungsbau Beteiligungs KG, as evidenced by the official change of name that was recorded in the Assignment Records on May 21, 2002 (see the attached Notice of Recordation of Assignment document dated July 29, 2002). Also attached is a copy, in German, of a page from the Register of Companies of the Local Court of Baden-Baden, Germany, relative to the change of name, along with an English-language translation of that document. The enclosed documents, collectively, establish the common ownership of the subject matter of the Fischer et al. patent and of the present invention.

In view of the above, and based upon the provisions of 35 U.S.C.

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§103(c), the Fischer et al. patent is not an effective reference against the present application because it is commonly owned by the owner of the present application. Under §103(c) of the patent statute, subject matter in a reference that is commonly owned by the owner of an application does not preclude patentability, and therefore the Fischer et al. patent is not an effective reference against the present application.

Applicants' attorney notes with appreciation the indication of allowability of the subject matter of claim 14, which has been placed in independent form to render it allowable. However, in addition to claim 14, the other claims remaining in the application are also believed to be allowable.

Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form in that they patentably distinguish over the disclosures contained in the references that were cited and relied upon by the examiner, whether those references be considered in the context of 35 U.S.C. § 102 or of 35 U.S.C. § 103. Additionally, the Fischer et al. patent is not an effective reference against the present application. Consequently, this application is believed now to be in condition for allowance, and reconsideration and reexamination of the application is respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

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Respectfully submitted,



March 31, 2004

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Attachments:

Random House Webster's College Dictionary, page 1111;
Random House Webster's College Dictionary, page 1205;
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT, dated May
16, 2002.
PATENT ASSIGNMENT ABSTRACT OF TITLE for Patent NO. 5,954,178;
"Offentliche Urkunde" (in German);
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT, dated July
29, 2002;
Handelsregister (in German); and
Register of Companies (translation).

1111

racemization to radiate

found in grape juice. [*< P (acide) racémique* (1828) *< L racēm(us)* (see RACEME) + *-ique* -ic]

racemization (ras'e mē-zā'shən, rā sēm'-, -rē), *n.* the conversion of an optically active substance into an optically inactive mixture of equal amounts of the dextrorotatory and levorotatory forms. [1890-95; RACEMIC + -IZATION]

racemose (ras'e mōs'), *adj.* 1. Bot. bearing or arranged in the form of a raceme. 2. Anat. resembling a bunch of grapes. [1690-1700; *< L racēmosus* full of clusters, clustering. See RACEME, -ose']

race norming, *n.* the process of statistically adjusting the scores of minority job applicants on job-qualification tests by rating each test-taker's score against the results of others in his or her racial or ethnic group. [1991]

race-r (rās'or), *n.* 1. a person, animal, or thing that races or takes part in a race. 2. anything having great speed. 3. any of several slender, active snakes of the genera *Coluber* and *Masticophis*. [1640-50]

race-runner (rās'run'er), *n.* a whiptail lizard, *Cnemidophorus sexlineatus*, common in the eastern and central U.S., that runs with great speed. [1640-50]

race-track (rās'trak'), *n.* 1. a plot of ground, usu. oval, laid out for horse racing. 2. the course for any race. [1855-60]

race/ walk/ing, *n.* the sport of rapid walking, in which one foot must be in contact with the ground at all times. [1950-55] —*race/walk/er*, *n.* —*walk/ing*, *n.* —*race/walk/er*, *n.*

raceway (rās'wē), *n.* 1. a racetrack on which harness races are held. 2. a channel for protecting and holding electrical wires. [1820-30]

Rachel (rā'shel), *n.* Jacob's favorite wife, the mother of Joseph and Benjamin, Gen. 29-35.

rachis (rā'sis), *n.* pl. *ra-chis-es*, *ra-chi-des* (rā'kī dēz', rā'kī-dē). 1. any of various axial structures of a plant, as the stem of a leaflet. 2. the part of the shaft of a feather bearing the web. See *ILLUS.* at FEATHER. 3. SPINAL COLUMN. [1775-85; *< NL < Qk rāchis* spine, ridge, backbone]

rachitis (rā'kī-tis), *n.* *rickets*. [1720-30; *< NL < Qk rāchitis* inflammation of the spine. See RACIS, -itis] —*ra-chi-tis* (-kī-tik), *adj.*

Rachmaninoff or **Rachmaninov** (rā'mā-nōf', -nōv', rā'k-, -nōv', rā'k-), *n.* Sergei Vasilievich, 1873-1943, Russian pianist and composer.

racial (rā'shel), *adj.* 1. of, pertaining to, or characteristic of one race or the races of humankind. 2. between races: *racial harmony*; *racial relations*. [1860-65] —*ra-cial-ly*, *adv.*

racism (rā'shēz-izm), *n.* *racisms*. [1905-10] —*ra-cis-t*, *n.* *racist*, *n.* *racist*, *n.* 1. Jean Baptiste, 1839-99, French dramatist. 2. a city in SE Wisconsin. 87,510.

racism form, *n.* a sheet that provides detailed information about horse races, including data on the horses, jockeys, etc. [1945-50]

racism (rā'siz-izm), *n.* 1. a belief or doctrine that inherent differences among the various human races determine cultural or individual achievement, usu. involving the idea that one's own race is superior. 2. a policy, system of government, etc., based on such a doctrine. 3. hatred or intolerance of another race or other races. [1865-70; *< P racism*. See RACE, -ism] —*ra-cis-t*, *n.* *racist*, *n.* *racist*, *n.*

rack (rak), *n.* *v.* *rack*, *rack-ing*. —*n.* 1. a framework of bars, pegs, etc., on which articles are arranged or deposited: a *clothes rack*. 2. a fixture containing tiered shelves, often affixed to a wall: a *spice rack*. 3. a framework set up on a vehicle to carry loads. 4. a triangular wooden frame in which balls are arranged before a game of pool. 5. the balls so arranged. 6. *Mauch*, a bar, with teeth on one of its sides, adapted to engage with the teeth of a pinion (*rack and pinion*) or the like, as for converting circular into rectilinear motion or vice versa. 7. a cause or state of intense suffering of body or mind. 8. violent strain. 9. a pair of tongs. —*v.* 10. to torture; distress acutely; torment. 11. to strain in mental effort: *to rack one's brains*. 12. to strain by physical force or violence. 13. to stretch the body of (a person) on a rack. 14. *rack up*, *n.* *to put (the balls) in a rack*. 15. to gain, achieve, or score: *The new store is racking up profits*. [1250-1300; ME *racke*, *reke* (n.) *< MD rac*, *racke*; cf. *HLG rack*, *O rack*] —*rack/ing*, *adv.*

rack (rak), *n.* wreckage or destruction; *rack*: *to go to rack and ruin*. [1590-1600; var. of WRACK]

rack (rak), *n.* *v.* *rack*, *rack-ing*. —*n.* 1. the fast pace of a horse in which the legs move in lateral pairs but not simultaneously. —*v.* 2. (of horses) to move in a rack. [1570-80; perh. alter. of RACK]

rack (rak), *n.* *v.* *rack*, *rack-ing*. —*n.* 1. a group of drifting clouds. —*v.* 2. to drive or move, esp. before the wind. [1350-1400; ME *rak*]

rack (rak), *v.* *rack*, *rack-ing*. to draw off (wine, cider, etc.) from the lees. [1425-75; late ME *< OP*: cf. obs. *F raqué* (of wine) pressed from the dregs of grapes]

rack (rak), *n.* 1. the neck portion of mutton, pork, or veal. 2. the rib section of a forequarter of lamb, veal, etc. [1560-70; orig. uncert.]

rack and pinion, *n.* See under RACK (def. 5a).

rack-ety (rak'ē), *n.* *v.* *rack-ety*, *rack-ety*. —*n.* 1. a loud noise or clamor, esp. of a disturbing or confusing kind; din; uproar. 2. social excitement, gaiety, or dissipation. 3. an organized illegal activity, such as the extortion of money by threat or violence. 4. a dishonest scheme, business, activity, etc. 5. *Stang*, an occupation, livelihood, or business. 6. an easy or profitable source of livelihood. —*v.* 6. to make a racket or noise. 7. to take part in social gaiety or dissipation. [1555-65; meta-phrase var. of dial. *raick*; see RATTLE] —*Syn.* See NOISE.

rack-ety (rak'ē), *n.* 1. a light bat having a netting of calico or nylon stretched in a more or less oval frame and used in tennis, badminton, etc. 2. the short-handled paddle used to strike the ball in table tennis and paddle tennis. 3. *racquet*, (used with a sing. v.) *racquet* (def. 1). 4. a shoeshoe made in the form of a tennis racket. Also, *racquet* (for def. 1, 2, 4). [1490-1500; *< MP raquette*, *racchette*, perh. *< Ar rāpet*, var. of *arpan* palm of the hand]

rack-ety (rak'ē), *n.* *v.* *rack-ety*, *rack-ety*. —*n.* 1. a person engaged in an organized illegal activity, as extortion. —*v.* 2. to engage in a racket. [1925-30, Amer.]

rack-ety (rak'ē), *adj.* 1. making or causing a racket; noisy. 2. fond

rack/railway, *n.* *see* RAILWAY. (1880-85)

rack-rent, *n.* *v.* *rack-rent*, *rack-rent-ing*. —*n.* 1. Also, *rack/rent*. rent equal to or nearly equal to the full annual value of a property. —*v.* 2. to exact the highest possible rent for. 3. to demand rack-rent from. [1600-10] —*rack-rent/er*, *n.*

raclette (rā'kēl', -rā-), *n.* a Swiss dish of melted cheese served with boiled potatoes. [1930-35; *< F*]

ra-con (rā'kon), *n.* *RA-DAR* BEACON. [1940-45, Amer.: *ra* (dar bee) *con*]

rac-on-tour (rak'on tūr', -tōr', -en-), *n.* a person who is skilled in relating stories and anecdotes interestingly. [1820-30; *< F*, = *raconteur* to tell (OP *re*- + *conter* to tell, account) + *-eur* -eur]

ra-coon (rā'kōon), *n.* pl. *-coons*, (esp. collectively) *-coons*. *RA-COON*.

rac-quet (rak'kē), *n.* 1. *racquets*, (used with a sing. v.) a game played with rackets and a ball by two or four persons on a four-walled court. 2. *racquet* (def. 1, 2, 4). (sp. var. of RACKET)

rac-quet-ball (rak'kē bōl'), *n.* a game similar to handball, played with rackets on a four-walled court. [1865-70]

ra-cy (rā'sē), *adj.* *ra-cy*, *ra-cy*. 1. slightly improper or indelicate; suggestive; risqué. 2. vigorous; lively; spirited. 3. sprightly; plucky; pungent: a *ra-cy literary style*. 4. having an agreeably peculiar taste or flavor, as wine or fruit. [1645-55] —*ra-cy-ly*, *adv.* —*ra-cy-ness*, *n.*

rad (rad), *n.* *Physics*. a unit of absorbed dose equal to 0.01 Gy. Compare dose (def. 4). [1915-20; shortening of RADATION]

rad (rad), *n.* 1. *informal*. a radical. —*adj.* 2. *Slang*. fine; wonderful. [1820-30; shortening of RADICAL]

rad, *Math*. radian.

rad, *Math*. 1. radical. 2. radix.

ra-dar (rā'dār), *n.* a device or system for determining the presence and location of an object by measuring the direction and timing of radio waves. [1940-45, Amer.: *ra* (dio) (detecting) *dar* (ranging)]

ra-dar astron-omy, *n.* the branch of astronomy that uses radar to map the surfaces of planetary bodies, as the moon and Venus, and to determine periods of rotation. [1955-60]

ra-dar bee-con, *n.* a radar device at a fixed location, used as a navigational aid. [1940-45]

ra-dar scope (rā'dār skōp), *n.* the viewing screen of radar equipment. [1945-50]

rad-dle (rad'el), *v.* *rad-dle*, *rad-dling*. to interweave; wattle. [1665-75; *v.* use of riddle bath. *< AF radele* pole, rail (OP *radē*; cf. *F radele*)]

rad-dle (rad'el), *n.* *rad-dle*.

rad-i-al (rā'dē-əl), *adj.* 1. arranged or having parts arranged like radii or rays. 2. made in the direction of a radius; going from the center outward or from the circumference toward along a radius: a *radial cut*. 3. of, like, or pertaining to a radius or a ray. 4. of, pertaining to, or situated near the radius of the forearm. 5. acting along or in the direction of the radius of a circle: *radial motion*. —*n.* 6. a radial section, part, or structure. 7. *Radial* tree. [1560-70; *< ML radialis* = *L radialis*] beam. ray (see RADIUS) + *-ial* -ial] —*ra-dial-ly*, *adv.*

ra-dial en-gine, *n.* an internal-combustion engine having the cylinders arranged in radial opposition, found mainly on older aircraft. [1905-10]

ra-dial ker-a-to-m-y (ker'ə tōl'ə mē), *n.* a surgical technique for correcting nearsightedness by making a series of apical incisions in the cornea to change its shape and focusing properties. [1975-80]

ra-dial saw, *n.* a cantilevered circular saw adjustable at various angles to the length of the work and to the perpendicular. [1950-55]

ra-dial sym-metry, *n.* a basic body plan in which the organism can be divided into similar halves by passing a plane at any angle along a central axis. Compare *ENANTIO* SYMMETRY. [1885-90]

ra-dial tire, *n.* a motor-vehicle tire in which the plies or cords run from one bead to the other at right angles to both beads. See *ILLUS.* at *TIRES*. [1965-70]

ra-dian (rā'dē-ən), *n.* the measure of a central angle subtending an arc equal in length to the radius; equal to 57.2958°. *Abbrev.* rad [1875-80]

ra-di-ance (rā'dē-əns), *n.* also *ra-di-an-ty*, *n.* 1. radiant brightness or light. 2. warm, cheerful brightness. [1595-1605]

ra-di-ant (rā'dē-ənt), *adj.* 1. emitting rays of light; shining; bright. 2. bright with joy, hope, etc. 3. *Physics*. emitted or propagated by radiation. —*n.* 4. a point or object from which rays proceed. [1400-50; late ME *< L radiant*, *s.* of *radiatus*, *pp.* of *radare* to radiate light, shine, *v.* der. of *radius*] beam, ray (see RADIUS); see -ANT] —*ra-di-an-ty*, *adv.*

ra-di-ant en-er-gy, *n.* 1. energy transmitted in wave motion, esp. electromagnetic wave motion. 2. *unusu* (def. 2a). [1910-15]

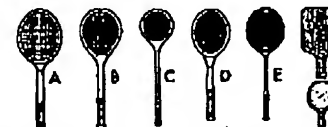
ra-di-ant flux, *n.* the time rate of flow of radiant energy. [1915-20]

ra-di-ant heat, *n.* heat energy transmitted by electromagnetic waves in contrast to heat transmitted by conduction or convection. [1500-10]

ra-di-ant heat-ing, *n.* 1. the means of heating objects or persons by radiation in which the intervening air is not heated. 2. a system for heating by radiation from a surface, esp. from a surface heated by means of electric resistance, hot water, etc. [1910-15]

racquet (def. 1, 2)

- A, tennis;
- B, court tennis;
- C, squash;
- D, squash tennis;
- E, badminton;
- F, paddle tennis;
- G, table tennis.



ra-di-ate (v. rā'dē-āt; *adj.* -it, -ē), *v.* *ra-di-ate*, *ra-di-ating*. —*v.* 1. to extend, spread, or move like rays or radii from a center. 2. to emit rays, as of light or heat; irradiate. 3. to issue or proceed in rays. 4. (of persons) to project or glow with cheerfulness, joy, etc. —*v.* 5. to emit in rays; disseminate, as from a center. 6. (of persons) to project (joy, goodwill, etc.). —*adj.* 7. radiating from a center. 8. having rays extend-

PRONUNCIATION KEY: act, cipe, dare, part, set, even; if, ice; ox, nō, for, all, book, beet, out; up, urge; child; sing; shoe; thin, that; zh in measure; o = a in alone, e in item. f in easily, o in saliva, u in circus; * in fire (fir), hour (our).

1205

stream-wing (*slur/ming*), *adj.* 1. uttering screams. 2. boldly striking startling; *screaming headlines*. 3. causing hilarious laughter. [1350-1400] — *scream/ingly*, *adv.*

the pod itself. Also called tormino. [1805-70, Amer.]

PRONUNCIATION KEY: *oel*, *oape*, *därc*, *pärc*; *sei*, *even*; *ü*, *ice*; *ox*, *nö*, *fär*, *öl*, *boöl*
boöl, *out*; *up*, *örge*; *child*, *sing*; *shoe*; *thin*, *that*; *zh* in *treasure*. *a* = *ä* in *alone*;
ä in *them*; *i* in *circle*; *o* in *million*; *u* in *circus*; * in *fire* (*fär*), *hour* (*öür*).

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ASSIGNOR:
BERGER, REINHARD

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ASSIGNOR:
ESLY, NORBERT

DOC DATE: 02/21/2002

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Patent Assignment Abstract of Title

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Total Assignments: 1

Patent #: 5954178 Issue Dt: 09/21/1999 Application #: 08792512 Filing Dt: 01/31/1997

Inventors: ROBERT FISCHER, NORBERT ESLY, REINHARD BERGER, KARL-LUDWIG KIMMIG

Title: APPARATUS FOR ACTUATING AN AGGREGATE IN THE POWER TRAIN OF A MOTOR VEHICLE

Assignment: 1

Reel/Frame: 008467/0195

Recorded: 01/31/1997

Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: FISCHER, ROBERT

Exec Dt: 01/15/1997

ESLY, NORBERT

Exec Dt: 01/15/1997

BERGER, REINHARD

Exec Dt: 01/15/1997

KIMMIG, KARL-LUDWIG

Exec Dt: 01/15/1997

Assignee: LUK GETRIEBE-SYSTEME GMBH

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Begl. Fotokopie

1 Urkundenrolle-Nr. 2187/91

Notariat Bühl/Baden

Referat 1

Öffentliche Urkunde

über

Gesellschaftsvertrag

der

LUK Getriebe-Systeme GmbH
mit dem Sitz in Bühl



- 2 -

Geschehen zu Bühl im Amtszimmer des Notariats am zehnten
Dezember neunzehnhunderteinundneunzig

-- 10. Dezember 1991 -

vor Notar Schilfarth, Notariat 1 Bühl.

Es ist erschienen und von Person bekannt:

Herr Helmut B e i e r ,
Robert-Koch-Straße 45, 7580 Bühl,

handelnd nicht im eigenen Namen, sondern als Bevollmächtigter
für die LuK Lamellen- und Kupplungsbau Gesellschaft mit
beschränkter Haftung mit dem Sitz in Bühl aufgrund nachzu-
reichender Genehmigungserklärung.

Der Erschienene erklärte:

Die LuK Lamellen- und Kupplungsbau Gesellschaft mit be-
schränkter Haftung errichtet hiermit eine Gesellschaft mit
beschränkter Haftung und stellt den dieser Niederschrift als
Anlage beigefügte Gesellschaftsvertrag fest.

Auf die Anlage wird verwiesen.

Die Gesellschafterin bestellt

a) Herrn Gunter Jürgens, Dipl.-Ing.
Am Pfrimmenacker 3 a, 7570 Baden-Baden-Neuweier,

und

b) Herrn Norbert Indlekofer, Dipl.-Ing.,
Am Bierkeller 8, 7580 Bühl-Altschweier,

jeweils zum Geschäftsführer. Sie vertreten die Gesellschaft
jeweils gemeinschaftlich mit einem anderen Geschäftsführer

- 3 -

oder einem Prokuristen. Sie vertreten die Gesellschaft allein, falls sie all inige Geschäftsführer sind.

Der Notar wies den Erschienenen darauf hin,

- daß bei Eintragung der Gesellschaft im Handelsregister der Wert des Gesellschaftsvermögens (zuzüglich des Gründungsaufwandes) nicht niedriger sein darf als das Stammkapital und jeder Gesellschafter zur Leistung eines insoweit bestehenden Fehlbetrages verpflichtet ist,
- daß die Gesellschaft vor ihrer Eintragung in das Handelsregister nicht als Gesellschaft mit beschränkter Haftung besteht und daß persönlich haftet, wer vor Eintragung im Namen der Gesellschaft handelt und
- daß der Erwerb der Geschäftsanteile an der Gesellschaft der Gesellschaftssteuer unterliegt.

S c h l u ß :

Beantragt werden:

1. Ausfertigung für das Amtsgericht Baden-Baden - Handelsregister -,
2. begl. Abschriften erhalten:
 - a) der Gesellschafter und die Gesellschaft je eine,
 - b) Kapitalverkehrssteuerstelle.

Diese Niederschrift nebst Anlage wurde vom Notar dem Erschienenen vorgelesen, von ihm genehmigt und eigenhändig wie folgt unterschrieben:

H. Bier *1.5.1*

Anlage zur Urkunde des Notariats 1 Bühl vom
- 1 UR 2187/91 -


(Schilfarth)
Notar

Gesellschaftsvertrag

§ 1

Firma und Sitz der Gesellschaft

1. Die Firma der Gesellschaft lautet:

LuK Getriebe-Systeme GmbH

2. Sitz der Gesellschaft ist Bühl/Baden.

§ 2

Gegenstand des Unternehmens

1. Gegenstand des Unternehmens sind die Entwicklung, die Herstellung und der Vertrieb von Geräten, Systemen und Anlagen von Antriebssystemen von Fahrzeugen.
2. Die Gesellschaft ist berechtigt, Zweigniederlassungen im In- und Ausland zu errichten, sich an anderen Unternehmen zu beteiligen und alle Maßnahmen zu ergreifen, welche der Förderung des Gesellschaftszweckes dienlich sind.

§ 3

Stammkapital und Stammeinlagen

Das Stammkapital der Gesellschaft beträgt 100.000,-- DM (in

- 2 -

Worten: einhunderttausend Deutsche Mark). Es besteht aus einer Stammeinlage in Höhe von 100.000,-- DM. Die LuK Lamellen- und Kupplungsbau Gesellschaft mit beschränkter Haftung übernimmt eine Stammeinlage in gleicher Höhe. Auf diese Stammeinlage ist ein barer Betrag in Höhe von 100.000,-- DM an die Gesellschaft eingezahlt.

§ 4

Geschäftsführung

Die Gesellschaft hat einen oder mehreren Geschäftsführer, die durch die Gesellschafterversammlung bestellt und abberufen werden. Ist nur ein Geschäftsführer bestellt, so vertritt dieser die Gesellschaft allein. Sind mehrere Geschäftsführer bestellt, so wird die Gesellschaft durch zwei Geschäftsführer gemeinsam oder durch einen Geschäftsführer gemeinsam mit einem Prokuristen vertreten. Die Gesellschafterversammlung kann auch bei Vorhandensein mehrerer Geschäftsführer einzelnen oder allen von ihnen Alleinvertretungsbefugnis erteilen. Sie kann Geschäftsführer von den Beschränkungen des § 181 BGB befreien.

§ 5

Geschäftsjahr

Das Geschäftsjahr der Gesellschaft ist das Kalenderjahr. Das erste Geschäftsjahr beginnt mit der Eintragung der Gesellschaft in das Handelsregister und endet mit dem darauf folgenden 31. Dezember.

§ 6

Jahresabschluß

Die Geschäftsführer haben innerhalb der gesetzlichen Frist

- 3 -

des Geschäftsjahres die Bilanz für das verflossene Geschäftsjahr nebst Gewinn- und Verlustrechnung vorzulegen.

§ 7

Bekanntmachungen

Soweit nach dem Gesetz Bekanntmachungen der Gesellschaft zu veröffentlichen sind, erfolgen sie nur durch den Bundesanzeiger.

§ 8

Gründungsaufwand

Den gesamten Gründungsaufwand trägt die Gesellschaft bis zu einem Höchstbetrag von 5.000,-- DM.



JULY 29, 2002

PTAS

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Washington, DC 20231
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102106494A

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RECORDATION DATE: 05/21/2002

REEL/FRAME: 012916/0789
NUMBER OF PAGES: 7

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

LUK LAMELLEN UND KUPPLUNGBAU GMBH

DOC DATE: 01/16/2001

ASSIGNEE:

LUK LAMELLEN UND KUPPLUNGSBAU
BETEILLIGUNGS KG
INDUSTRASSE 3
BUHL, FED REP GERMANY D-77815SERIAL NUMBER: 09574477
PATENT NUMBER:FILING DATE: 05/19/2000
ISSUE DATE:SERIAL NUMBER: 09619939
PATENT NUMBER: 6419067FILING DATE: 07/20/2000
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PATENT NUMBER:FILING DATE: 08/01/2000
ISSUE DATE:SERIAL NUMBER: 09630697
PATENT NUMBER:FILING DATE: 08/01/2000
ISSUE DATE:

Handelsregister - Abt. A - des Amtsgerichts Baden-Baden									
Blatt 1									
HRA 1097-BH									
a) Tag der Eintragung und Unterschrift b) Beifolger									
Rechtsverhältnisse									
a) 16. Januar 2001									
b) Sonderband									
AS 1129									
AG Baden-Baden									
HRA 1094-BH									
Kommanditisten									
AG Baden-Baden									
HRB 1128-BH									
bisher									
AG Baden-Baden									
HRB 15-BH									
a) 2. März 2001									
b) Sonderband									
AS 1141									
AG Baden-Baden									
HRB 1168-BH									
<p>Kommanditgesellschaft</p> <p>Entstehen gemäÙ § 199 ff. UmwG durch die formwechselnde Umwandlung der Firma LUK Lamellen und Kupplungsbau Gesellschaft mit beschränkter Haftung in die in § 1 (a) UmwG (Amtsgericht Baden-Baden HRB 15-BH) auf Grund Umwandlungsbeschlusses vom 28.12.2000.</p> <p>Die Gesellschaft hat am 16. Januar 2001 begonnen § 202 I. UmwG.</p> <p>Kommanditist ist die Firma LUK Automobile Verwaltungsgesellschaft mbH Buhl mit einer Einlage von 1.000.000,00 Euro.</p>									
<p>Die Firma LUK Automobile Verwaltungsgesellschaft mbH Buhl ist als persönlich haftende Gesellschafterin in die Gesellschaft eingetragene.</p>									
<p>Die Firma LUK Automobile Verwaltungsgesellschaft mbH Buhl ist als persönlich haftende Gesellschafterin in die Gesellschaft eingetragene.</p>									

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 Page
 (continued on page.....)

 Register of companies - Dept. A - of the Local Court of Baden-Baden
 - Court district Buhl -

No. of entry	a) Name of Company b) Place of establishment (registered offices) c) Purpose of the Company (for legal entities)	Procurator, General Partners, Management Board, Liquidators	Procurement	Legal Status	a) Date of Entry and Signature b) Remarks
1	2 a) Luk Lamellen und Kupplungs- bau Befassungs KG b) Buhl	3 Company "LUK Deutschland Befassungs KG" with registered offices in Buhl	4	5 Limited partnership. Created according to a. 150ff of the German Reorganization Act (UmwG) by form-converting reorganization of the company "Luk Lamellen und Kupplungsbau Gesellschaft mit beschränkter Haftung" with registered offices in Buhl (Local Court of Baden-Baden HRB 15-BH) due to a reorganization resolution of 28 December 2000. The company commenced on 16 January 2001, a. 20211 of the German Reor- ganisation Act (UmwG). The limited partner is the company "Luk Automotive Verwaltungsgesellschaft mbH Buhl" with a contribution of1,000,000 euros	6 a) 16 January 2001 Signature b) Special volume AS 1-29 phG-GmbH LC Baden-Baden HRA 1094-BH Limited partner Local Court of Baden-Baden HRB 1126-BH formerly LC Baden-Baden HRB 15-BH
2		Company "Luk Lamellen- und Kupplungsbau Befassungs KG" with registered offices in Buhl Company "Luk Management GmbH" with registered offices in Buhl		The company "Luk Management GmbH" with registered offices in Buhl has joined the company as a general partner.	a) 27 March 2001 Signature b) Special volume AS 31-41 phG LC Baden-Baden HRB 1198-BH
	Underlined parts of the entries shall be con- sidered deleted or ob solete.			This photocopy is a complete reproduction of the original, which is hereby certified. Baden-Baden, 27 April 2001 Local Court of Baden-Baden Clerk of the court office Signature LOCAL COURT OF BADEN- BADEN	

to certify that this is a true and complete translation of the German document into English.

06/01

Alison Olters

Alison Olters

